



Frequently Asked Questions (and Answers from SCAO/FOCB)

FAQ 2008-01

January 14, 2008

Managing a Dispute after Credit Reporting Begins

This FAQ answers common questions and clarifies policy related to Administrative Memorandum 2007-07, Reporting to Credit Reporting Agencies. If court staff have any questions or would like additional information or clarification, please contact Angel Sorrells at SorrellsA@courts.mi.gov or (517) 373-5975.

#1 Q: Where can I find a copy of Administrative Memorandum 2007-07?

A: It can be found on the State Court Administrative Office web site and by clicking <http://courts.michigan.gov/scao/resources/other/scaoadm/2007/2007-07.pdf>

#2 Q: Can a child support payer who is reported to a credit reporting agency dispute the information submitted to the agency?

A: Yes. The child support payer may dispute the information reported about his or her credit directly to the credit reporting agency (agency) or directly to the “provider of credit information.” Because the Office of Child Support (OCS) submits the entire state’s child support information together, the credit reports list OCS as the contact for credit reporting disputes. OCS forwards all credit reporting disputes to the appropriate FOC office for response and investigation as necessary.

#3 Q: What do I do if the child support payer disputes the reported information directly to our local FOC office?

A: Pursuant to [15 USC 1681i\(a\)\(1\)\(A\) and \(B\)](#), the FOC has 30 days to investigate the disputed information. This may be extended by an additional 15 days if you receive information from the party that is relevant to the investigation.

The FOC should initially determine whether or not the dispute is frivolous or irrelevant pursuant to [15 USC 1681s-2\(a\)\(8\)\(F\)](#). This subsection states that a frivolous or irrelevant dispute includes “the failure of the consumer to provide sufficient information to investigate the disputed information” or “the submission ... of a dispute that is substantially the same as a dispute previously submitted by or for the consumer” and has already been investigated under this subsection.

If the dispute is frivolous or irrelevant, the FOC must notify the child support payer by mail, unless another means is authorized by the consumer, *no later than 5 business days* after making the determination. The notice must include (1) the reasons for the determination and (2) identification of any information required to investigate the disputed information (e.g., information the FOC needs to complete the investigation).

If the dispute is not frivolous or irrelevant, the FOC must investigate the disputed information, review all relevant information provided by the child support payer, and report the results of the investigation to the consumer *within 30 days of receiving notice of the dispute* from the child support payer unless this has been extended by 15 days as statutorily allowed (see [15 USC 1681i\[a\]\[1\]\[A\] and \[B\]](#)).

The FOC should enter information into MiCSES that states a dispute has been received. This will automatically notify all potentially affected agencies of the dispute. For further information, see the MiCSES CIG: Credit Reporting.

#4 Q: Does a local FOC office have any responsibilities if a child support payer submits a dispute directly to the credit reporting agency?

A: Yes. If the payer disputes information directly to the agency, the *agency* has 30 days following notice of the dispute by the payer to determine if the information is accurate. This period may be extended by up to 15 days if the agency receives information from the consumer that is relevant to the investigation (see [15 USC 1681i\[a\]\[1\]\[A\] and \[B\]](#)).

Within five business days of payer notification of an alleged inaccuracy in its file, the agency is required to notify the provider of the information about the dispute (see [15 USC 1681i\[a\]\[2\]](#)). The agency will send a *Consumer Dispute Verification (CDV)* form to OCS, which will forward the CDV to the local FOC office.

When the FOC receives the forwarded CDV form, it must be completed as directed and sent back to the agency (see [15 USC 1681s-2\[b\]\[1\]](#)). This includes reviewing individual and account information on MiCSES and noting **on the CDV form** any corrected information discovered in the verification process. The FOC must also correct any inaccurate information in MiCSES. The CDV form requests a response **within five business days** from its receipt. This allows the agency to complete its investigation within the 30 day time frame allowed under federal law. If an extension to the five business day response time is needed, the FOC must request an extension from the agency listed on the CDV. If the FOC does not respond in a timely manner, the agency will permanently delete the account from its records (see [15 USC 1681i\[a\]\[5\]\[A\]\[i\]](#)).

The agency will notify the payer of the FOC's response to a dispute (see [15 USC 1681i\[a\]\[6\]\[B\]\[iii\]](#)). If the payer is not satisfied with the response and disagrees with the account, the payer may file a statement of the dispute with the agency to retain in its file for that account (see [15 USC 1681i\[b\]](#)). The agency may refer the payer to OCS who will refer that dispute to the FOC office because FOC files are maintained locally. Once an FOC receives an OCS-referred written or verbal dispute, all timelines and limitations apply just as they would if the payer protests directly to the FOC office.

#5 Q: What do I do if a consumer calls because a Michigan child support account shows up on his or her credit report and he or she does not have a case here?

- A: Ask for the first 12 digits of the account number that appears on the credit report for the payer. The first two digits of the account number is the FOC office county code, the next 10 digits is the docket number. Enter the docket number in MiCSES and verify if the payer's Social Security number (SSN) is listed as verified on the case.

If the payer's SSN is not listed on MiCSES, inform the payer that Michigan did provide that account number for credit reporting, but did not report the SSN. Instruct the payer to directly contact the agency that provided the report that has the child support account listed.¹ The payer should also inform the agency that contact was made with the data furnisher, and it was confirmed that the information was submitted under a different SSN. The payer may need to issue a formal dispute with the agency. If this dispute is filed, the FOC that corresponds to the county code on the account number will receive a CDV form. In response to the CDV form, the FOC should identify that the payer who disputes the account's SSN has a different SSN than the one that corresponds to the account information.

If the payer's SSN is listed on MiCSES, the FOC should gather additional information to verify that the person is not the individual responsible for the child support account. If the SSN listed on MiCSES does not belong to the payer of the child support order, but was previously reported to the agency, the FOC should update the SSN in MiCSES and instruct the consumer to contact the agency that provided it with the report that has the child support account listed. MiCSES will indicate the new SSN information for the account on the monthly file sent to the credit agency. To ensure that the account is no longer listed on the individual's credit report, the payer may need to issue a formal dispute with the agency. If this dispute is filed, the FOC that corresponds to the county code on the account number will receive a CDV form. In response to the CDV form, the FOC should identify that the payer who disputes the account has a different SSN than the one that corresponds to the account information. For further information, see the MiCSES CIG: Credit Reporting.

¹ Customer service phone numbers payers can use to contact credit agencies in the event of a dispute include: Innovis (800) 540-2505 and Experian (888) 397-3742.